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7 Attorneys for Defendant Management Trustees as set forth on  
the signature page [Local Rule 3-4]

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10

11 DAVID SLACK, individually, and on behalf of  
all others similarly situated; JOHN JARBOE,  
12 individually, and on behalf of all others similarly  
situated; KEN BETTIS, individually, and on  
13 behalf of all others similarly situated; KENNY  
MENDOZA, individually, and on behalf of all  
14 others similarly situated, CLYDE ELI,  
individually, and on behalf of all others similarly  
15 situated,

16 Plaintiffs,

17 vs.

18 INTERNATIONAL UNION OF OPERATING  
ENGINEERS, a trade union, et al.  
19

20 Defendants.  
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Case No. 3:13-CV-05001-EMC

**STIPULATION AND [PROPOSED] ORDER  
SETTING SCHEDULE FOR  
DEFENDANTS' RESPONSES TO  
PLAINTIFFS' SECOND AMENDED  
COMPLAINT**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 This Stipulation is submitted pursuant to Local Rule 6-2 and the Court's August 19, 2014  
3 Order and is entered into by and between all Plaintiffs and Defendants represented by the undersigned  
4 counsel (collectively, "Stipulating Defendants," and collectively, with Plaintiffs, the "Parties") for the  
5 purpose of efficiently managing this litigation involving numerous parties and complex issues.

6 1. The original Complaint in this matter was filed on October 27, 2013.

7 2. On March 10, 2014, pursuant to stipulation, the Court entered an Order Regarding Case  
8 Management Conference (the "March 10, 2014 Order") (Dkt. No. 54). In accordance with the  
9 deadlines set forth in the March 10, 2014 Order, Stipulating Defendants filed their respective Rule 12  
10 motions directed to the FAC ("Rule 12 Motions") (Dkt. Nos. 99; 106; 107; 109/110; and  
11 114/115/136), Plaintiffs filed their respective oppositions on May 22, 2014 (Dkt Nos. 145; 146; 147;  
12 149; and 150), and Defendants filed their Replies on June 5, 2014 (Dkt Nos. 155-159).

13 3. The hearing on the Rule 12 Motions was held on July 10, 2014 before the Court, after  
14 which the Court took the Rule 12 Motions under submission (Dkt. No. 171).

15 4. On August 19, 2014, the Court entered an Order Granting Defendants' Motions to  
16 Dismiss with Leave to Amend (Dkt. No. 176). Pursuant to this Order, Plaintiffs' second amended  
17 complaint was to be filed within 60 days of the Order and, to the extent Defendants wished to bring  
18 future motions to dismiss, to coordinate and present one single motion.

19 5. Plaintiffs filed their Second Amended Complaint on October 20, 2014.

20 6. Accordingly, the Parties now respectfully ask the Court to enter the below deadlines in  
21 connection with future scheduling for this matter.

22 7. This Stipulation is not offered for any dilatory or improper purpose, but rather solely to  
23 effectively manage the scheduling of case events and to ensure the most efficient use of resources by  
24 the Court, the Parties, and their counsel as well as consider Parties' prior scheduling commitments.

**STIPULATION**

Pursuant to Local Rule 6-2 and the Court's August 19, 2014 Order, subject to the Court's approval, Plaintiffs and the Stipulating Defendants, desiring to efficiently manage this complex matter, hereby stipulate that:

1. Defendants' response to Plaintiffs' Second Amended Complaint (coordinated, if in the form of motions to dismiss) is to be filed no later than December 5, 2014.
2. Plaintiffs' opposition brief (if motions to dismiss are filed) to be filed no later than January 15, 2015.
3. Defendants' coordinated reply in support of any motions to dismiss, if filed, to be filed no later than January 29, 2015.
4. The hearing on Defendants' motion, if filed, to be held on February 12, 2015.

DATED: November 4, 2014

**COX, CASTLE & NICHOLSON LLP**

By: /s/ Dwayne P. McKenzie

Dwayne P. McKenzie

Attorneys for Defendants Kevin J. Albanese, F.G. Crosthwaite, Thomas Holsman, John M. Humber, and Richard Piombo

Dated: November 4, 2014

**MOORE & LEVIANT LLP**

By: /s/ J. Mark Moore

J. Mark Moore

H. Scott Leviant

**BERNS WEISS LLP**

Jeffrey K. Berns

Lee A. Weiss

Albert G. Lum

Attorneys for Plaintiffs David Slack,  
John Jarboe, Ken Bettis, Kenny Mendoza  
and Clyde Eli

1 Dated: November 4, 2014

**LAW OFFICE OF KENNETH C. ABSALOM**

2  
3 By: /s/ Kenneth C. Absalom

4 Kenneth C. Absalom  
5 Attorneys for Defendants Russell E Burns,  
6 Dan Reding, Carl Goff, Pete Figueiredo, and Steve  
7 Ingersoll  
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**ECF CERTIFICATION**

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

DATED: November 4, 2014

COX, CASTLE & NICHOLSON LLP

By: /s/ Dwayne P. McKenzie  
Dwayne P. McKenzie

Attorneys for Defendants Kevin J. Albanese, F.G.  
Crosthwaite, Thomas Holsman, John M. Humber, and  
Richard Piombo

**ORDER**

Pursuant to the foregoing Stipulation of counsel and for good cause shown, IT IS HEREBY ORDERED that the Parties adhere to the below schedule:

5. Defendants' response (coordinated, if in the form of motions to dismiss) to be filed no later than December 5, 2014.
6. Plaintiffs' opposition brief (if motions to dismiss are filed) to be filed no later than January 15, 2015.
7. Defendants' coordinated reply in support of any motions to dismiss, if filed, to be filed no later than January 29, 2015.
8. Hearing to be held on February 12, 2015.

**IT IS SO ORDERED.**

Dated: 11/6, 2014

